Serial No. 10/602,687   Attorney Docket No. 01-437

REMARKS

The applicants appreciate the acknowledgement of the claim for priority under section 119 and the notice that the certified copy of the priority document has been received.

Also, the applicants acknowledge receipt of the initialed copy of the form PTO 1449 filed on 25 June 2003.

The examiner is also respectfully requested to indicate whether the drawings are accepted or objected to.

Claims 7-13, 15 are pending. Claims 1-6 and 14 have been canceled. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 7 and 15 have been amended to remedy cosmetic defects which were noted in a review of the claims.

Claims 1, 2, 7, 8 and 13-15 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 7,035,806, Kojima et al. ("Kojima").[1] Claims 3-6 and 9-12 were rejected under 35 USC 103(a) as being unpatentable over Kojima, further in view of JP 2000-020086, Kaneyoshi ("Kaneyoshi"). The rejection is respectfully traversed for reasons including the following, which are provided by way of example.

As described in the application, in voice control systems users can be confused by an echo message indicating that uttered speech is successfully recognized, and a later advisory message indicating that the voice manipulation failed (page 2, lines 23-27.) The application discusses an example where the problem is encountered when uttering an FM radio station when

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[1] Kojima was filed on March 17, 2005, well after the present application's filing date of June 25, 2003. Hence, it appears that the examiner is relying on Kojima's parent application Pat. No. 6,879,958, filed August 25, 2000.

8

the radio is in AM mode: the echo message confirms the FM station, but then the advisory message indicates that an FM station should be selected after AM mode is shifted to FM mode (page 2, lines 15-23). To address this, an aspect provides that the speech is recognized based on considering the operating state of the device (page 3, lines 17-19).

To this end, independent claim 7 recites in combination, for example, "a storing unit for storing speech recognition data including a plurality of reference commands; a speech recognizing unit for recognizing the speech as a recognized reference command included in the reference commands stored in the storing unit; a detecting unit for detecting a certain operating state of the device; and a substituting unit for determining whether each of the reference commands recognized by the speech recognizing unit is a selectable reference command that can be selected in the certain operating state, and for substituting, when the recognized reference command is determined to be not the selectable reference command, one of the selectable reference commands for the recognized reference command." Independent claim 15 recites in combination, for example, "storing speech recognition data including a plurality of reference commands; recognizing the speech as a recognized reference command included in the reference commands; detecting a certain operating state of the device; determining whether each of the recognized reference commands is a selectable reference command that can be selected in the certain operating state; and substituting one of the selectable reference commands for the recognized reference command, when the recognized reference command is determined to be not the selectable reference command."

Due to the substituting unit (claim 7) or substituting step (claim 15), as further recited, the system can substitute one of the actually selectable reference commands for the recognized reference command, when the recognized reference command is not selectable in the current operating state of the device.

9

Serial No. 10/602,687   Attorney Docket No. 01-437

On the other hand, without conceding that Kojima discloses any feature of the present invention, Kojima is directed to a communication apparatus and method. According to Kojima, a word-generating means recognizes a voice and generates first and second words; a word-collating means collates the first word and outputs a piece of information corresponding to the first word; a program-activating means for confirming that the second word is a predetermined word and activating a communication program corresponding to the predetermined word. (Abstract.)

The office action asserts that Kojima anticipates the invention as claimed. To the contrary, Kojima fails to set forth each and every element found in the claims. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Kojima fails to teach or suggests, for example, "a substituting unit ... for substituting, when the recognized reference command is determined to be not the selectable reference command, one of the selectable reference commands for the recognized reference command." (See, e.g., claims 7, 15.) The examiner alleges that Kojima teaches the substituting unit in Col. 13, lines 45-60 and Col. 14, lines 15-25 because Kojima can display "Global Command." To the contrary, Kojima cannot substitute anything for the recognized reference command because there is no input voice command at State 2, and hence no recognized reference command. (See, e.g., Kojima FIG. 11, where State 3 is "Voice Input Possible," State 4 is "Normal Recognition Mode".) In particular, once in State 3 or State 4, Kojima discloses that the recognized word or

10

Serial No. 10/602,687   Attorney Docket No. 01-437

recognized phrase is used to carry out an operation corresponding to the "recognized word." (E.g., Col. 14, lines 12-19.) According to Kojima, therefore, the already-recognized input command is not substituted with one of the selectable reference commands.

Kojima fails to teach or suggest, for example, these elements recited in independent claims 7 and 15. It is respectfully submitted therefore that claims 7 and 15 are patentable over Kojima.

For at least these reasons, the combination of features recited in independent claims 7 and 15, when interpreted as a whole, is submitted to patentably distinguish over the references of record. In addition, Kojima clearly fails to show other recited elements as well.

With respect to the rejected dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from the independent claims, but also because of additional features they recite in combination.

New claim 16 is added, and is deemed to be allowable for reasons including those provided above. Support for new claim 16 is located in the application as filed, for example, claim 15.

The applicants respectfully submit that, as described above, the cited art does not show or suggest the combination of features recited in the claims. The applicants do not concede that the cited art shows any of the elements recited in the claims. However, the applicants have provided specific examples of elements in the claims that are clearly not present in the cited art.

Support for the amendments is located in FIG. 6 to FIG. 8, in particular, FIG. 7, step 701, 703 to 705; FIG. 8, steps 801, 803 to 805; and page 21, lines 2-17.
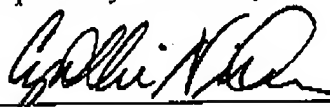
11

The applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples the applicants have described herein in connection with distinguishing over the cited art as limiting to those specific features in isolation. Rather, for the sake of simplicity, the applicants have provided examples of why the claims described above are distinguishable over the cited references.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

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12